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**CONFIDENTIAL**  
**DISCUSSES MATERIAL UNDER SEAL**

Robert Ray, Esq.  
Office of Independent Counsel  
1001 Pennsylvania Ave., N.W., Rm .490-N  
Washington, D.C. 20004

Re: Filegate Report

Dear Mr. Ray:

I represent Lewis Merletti, former Director of the United States Secret Service and former Special Agents John Libonati and Jeffrey Undercoffer, the Special Agents whose Congressional testimonies and OIC interviews were relied upon, in part, in preparation of the OIC's Sealed Report to the Court of Appeals regarding the so-called "Filegate" controversy.

As counsel to these individuals, we were provided an opportunity to review certain selected and redacted portions of the Report filed by your office under seal, as they pertained to our clients.

We note at the outset that Mr. Merletti was not named in any of the pages given to us to review, even though his name is used as the "keyword" for accessing portions of the Report. Mr. Merletti was not the Director of the Secret Service in any pertinent time period, either when the incipient events occurred in 1993 or when testimony was provided by the Secret Service in 1996. He has no connection to any of the Filegate issues and is not appropriately included as an individual who provided information regarding this investigation. Kindly correct the record in this regard.

Messrs. Undercoffer and Libonati, on the other hand, have asked us to provide this submission to you in order to avoid the need for public correction by your Office on account of several material factual inaccuracies in the Report regarding the information provided by the United States Secret Service ("USSS"). We realize that there was a large amount of testimony and material compiled prior to your appointment and, possibly, by attorneys and investigators who predated preparation of the Report. It is easy to see how some of the most critical technical information and